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5   **IN THE UNITED STATES DISTRICT COURT**

6   **FOR THE DISTRICT OF ARIZONA**

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8 United States of America,   )   Magistrate No. 08-7127M-001
)
9   Plaintiff,   )
)   **ORDER RE: EXTENDING**
10 v.   )   **TIME TO INDICT**
)
11 Juan Carlos Arteaga-Henriguez,   )
)
12   Defendant.   )
    _____)

13

14   Having considered Defendant Juan Carlos Arteaga-Henriguez's Motion to Extend Time

15 to Indict and good cause appearing;

16   THE COURT makes the following findings:

17   1. The Defendant earnestly wishes to consider the plea offer the Government intends to

18 extend;

19   2. The Defendant wishes to investigate possible defenses prior to considering the

20 Government's plea offer;

21   3. The Government's plea offer, if accepted by the Defendant and then the Court, would

22 likely reduce Defendant's exposure to a significant term of imprisonment;

23   4. If the Defendant does not timely accept the plea offer prior to indictment, the

24 Government will withdraw said plea offer, and any subsequent plea offer after indictment would

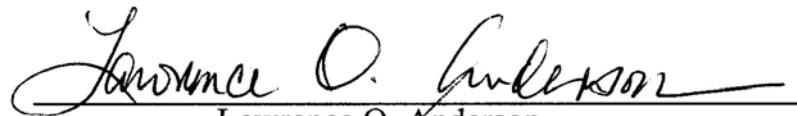25 likely be less advantageous to the Defendant;

26   5. Failure to extend time for indictment in this instance would thus operate to bar

27 Defendant from reviewing the Government's plea offer in a meaningful way prior to indictment;

28 and,

6. The ends of justice served by this continuance outweigh the best interest of the public and the Defendant in a speedy indictment.

IT IS HEREBY ORDERED that defendant's Motion to Extend Time for Indictment requesting an extension of thirty (30) days within which the government may seek to indict defendant, is hereby granted.

IT IS FURTHER ORDERED that pursuant to the Speedy Trial Act, 18 U.S.C. 3161, the Government shall have an extension of thirty (30) days to file a timely Indictment. Excludable time shall begin to run on the 31st day after arrest for a period of thirty (30) days in which the Government may present the case to the grand jury.

DATED this 2nd day of May, 2008.

_____
Lawrence O. Anderson
United States Magistrate Judge

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